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MUNICIPAL POLITICS IN PARIS IN 1789

BY

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MUNICIPAL POLITICS IN PARIS IN 1789

The municipal revolution in Paris in July, 1789, spared none of the ancient institutions of local government. An electoral assembly had been adapted hastily to the task of governing the city.[1] It had been assisted, and in some instances controlled, by assemblies of voters meeting in their districts. The irregularity of such a government became more and more apparent as the first excitement subsided. To the Parisians, however, this irregularity consisted not so much in the displacement of the legal authorities as in its contradiction of the new doctrine of popular sovereignty. Since the electors possessed no mandate to govern the city, the more eager district leaders demanded the election of another assembly to assume this work provisionally and to prepare a municipal constitution. Two officers—the mayor, Bailly, and the commander of the National Guard, Lafayette—had been chosen in one of the tumultuous gatherings of July and were now confirmed by the districts. This provisional government could render important services to the country, for upon the re-establishment of order in Paris depended the fate of the Revolution at the outset. Whether the Parisians possessed the right or had the capacity to reorganize their own municipal institutions was another question. For several months the field was clear. Not until the latter part of November did the National Assembly announce an intention of providing a municipal law for Paris. Even after that time the constitutional committee of the Assembly worked in sympathy with the committee of the Paris assembly, and the law which was enacted in May, 1790, was to some extent the joint work of the two. As the law did not go into effect until October, the provisional government which the Parisians had organized was long in control. They were engaged upon this task from the time when the electoral assembly was dismissed until the middle of November. The interest of the period centres in the manner in which they did the work and in their constitutional ideas. Furthermore, during this period was fashioned a remarkably effective instrument of revolutionary action, the use of the districts as a basis of agitation. In 1789 it was employed against the communal

[1] See the article in the Review for January, 1905 (X. 280–308), entitled "Improvising a Government in Paris in July, 1789," by Henry E. Bourne.

assembly; later it was turned against the king and even against the national legislature.

I.

The new assembly met July 25 and superseded the electors five days later. Early in August, to provide members for service on the committees, sixty more deputies were chosen, raising the total number to one hundred and eighty. Nearly half had served in the assembly of electors. In the committees, which were now reconstituted,[1] still other electors were retained on account of their experience. Although the assembly had been called together by Mayor Bailly to prepare a plan of government for Paris, it became, by virtue of the powers given to the deputies in their credentials and by the force of circumstances, primarily an administrative body. Bailly had little faith in salvation by speechmaking, and he thought that nearly all the work could be done in committees. Whether the assembly was authorized to legislate for the city was later a bitterly disputed question. Its claim to a representative character was made at once in the formal style adopted—Assembly of the Representatives of the Commune of Paris.

Bailly had called the assembly into being, but from the beginning it ceased to remember its creator. As an administrative body it should, so thought the Mayor, advise with him and with Lafayette, but, he bitterly recalled, it "accustomed itself readily and at once to administer alone, to forget him completely, and to act as if he had asked its formation in order to lay down his office". For example, he was not informed of the plan of military organization until public discussion in the districts brought it to his attention. If there was anything the deputies were expected to do in accordance with the letter of summons, it was to consult with him about a plan of municipal government; but their committee ignored him, and when he wished to learn the main features of the scheme, he was obliged to make inquiries. An incident, small in itself, revealed clearly the assembly's attitude. Bailly was in constant attendance at the com-

[1] The names of the committees were as follows: The *comité permanent* or *provisoire* of the electors had been divided into four sections or bureaus: 1, Distribution (of business); 2, Police; 3, Subsistence; 4, Military Affairs. The name *comité provisoire* was dropped August 2 apropos of a complaint against this committee because of its decree making printers responsible for anonymous publications, and the name *bureau* was substituted. Later in August four other committees were added: *comité d'administration des revenues et charges de la Ville*; *comité de rédaction*; *bureau de la répartition et de la perception des impôts*; *bureau des secours*. The *bureau des secours* was withdrawn September 10 because the treasury was empty, and all demands were referred to the *comité d'administration des revenues*. Lacriox, *Actes de la Commune de Paris*, I. 81, 333 note 1, 345, 535.

mittee of subsistence, for upon its efforts depended the food supply of Paris and, for this reason, the peace of the city. He informed the assembly that he could not always preside and asked that two vice-presidents be appointed to take his place. This was done, but the men who were chosen forgot the prefix when they signed the records and soon transformed themselves into his rivals.[1] Their names, not his, appeared at the bottom of acts. To such a degree was the practice carried that it excited protests from some of the districts. One of these sent a delegation to the assembly expressing in vigorous terms its disapproval. Its speaker told the members of the assembly that the commune had named Bailly "its mayor, that is, its chief, consequently the chief of this assembly." "Your districts", he added, "have deputed you to become his co-operators in the great work of municipal organization and not to exclude him from it."[2] Bailly was partly responsible for these rebuffs. His functions as mayor had never been precisely described, and in a measure it belonged to him to define their limits. Unhappily for the influence of his office, in cases where the exercise of authority was dangerous he often contrived to throw the necessity of decision upon the assembly and in this way increased its power to the detriment of his own.[3]

Such conflicts of authority are not surprising considering the utter ruin of the older institutions of local government and the distrust commonly born of revolutionary excitement. Moreover, government was something like a novel and dangerous toy, and these children in politics jostled one another in their eagerness to try their hand at it. The times were indeed difficult. Not a day passed but a new question was forced upon the attention of the deputies.

[1] Bailly, *Mémoires,* II. 147, 195–197, 243–244; Lacroix, *Actes,* I. 24, 27, 28 note 3.

[2] *Procès-verbal du transport du Comité civil, de police, . . . des Enfans Rouges* (Bibl. Nat., pièce), August 6. On August 12 the Prémontrés sent in a similar protest, declaring "qu'il ne peut concevoir comment Monsieur Bailli, élu Maire, c'est-à-dire, Chef de la Commune, ne parait cependant pas l'être de l'assemblée des représentants de cette Commune, puisque tous les actes qui emanent de cette Assemblée portent les noms de différens Présidens lorsque lui seul a été porté à cette place éminente, par le vœu unanime et le suffrage universel de ces Concitoyens." *District des Prémontrés,* 11 *août,* 1789 (Bibl. Nat., pièce). *Cf.* Lacroix, I. 179.

[3] For example, August 20, when a deputation of actors from the Théâtre-français came to ask permission to give Chénier's *Charles IX.,* he would have refused had he dared to do so, for he thought such a play might compromise the good feeling toward the monarchy. He adds, "Je pris mon parti de renvoyer la décision à l'assemblée. Les assemblées ont cela de commode, leur responsabilité est si partagée, qu'elle est nulle." *Mémoires,* II. 287. It was equally characteristic of the man that, although he had retained the secretary of Flesselles, he dismissed him as soon as the Palais Royal began to murmur. *Ibid.,* 198–199.

Often an immediate answer seemed necessary under penalty of an uprising. Early in its career the assembly saw the Hôtel de Ville invaded, as under its predecessors, by a mob crying for blood, this time of one of the highest officers of the new government, the Marquis de la Salle, who had so patriotically effaced himself when Lafayette was named commander of the National Guard. The stock of powder at the arsenal had been depleted and the storage-room was partly filled by a quantity of powder useless for Paris but valuable in the trade with the coast of Guinea. The managers of the arsenal decided to send this powder to Essonnes, where was one of the principal powder factories, and to bring back a new supply for Paris. Lafayette was not at hand, and La Salle signed the order. Rumors spread through the city that it was simply another attempt to render Paris defenseless, and the crowd rushed to the Hôtel de Ville, demanding a victim. Fortunately, La Salle could not be found and the mob was finally dispersed by the National Guard.

The efforts of the assembly to preserve order were compromised by the increasing number of deserters from the royal army who hurried to Paris, hearing of the good fortune of the *gardes françaises,* the heroes of the July insurrection and the pets of the districts. These deserters not only swelled the size of each mob, but also quarreled with one another, threatening to turn the city streets into a battle-field. The only remedy was to order the soldiers at the city gates to turn back all deserters and to request the minister of war and the towns to arrest them on the roads leading to Paris.[1] An equally serious danger was the multitude of destitute men gathered at the government works on Montmartre. These had been established in the spring to relieve distress caused by the exceptional severity of the past winter. The trouble had been rendered more acute by the paralysis of industry and trade since July, so that by the second week of August this army of unemployed numbered between thirteen and twenty-one thousand. Necker threw the responsibility for its control upon the city, because the royal government was without force.[2] These dangers were increased by the constant menace of famine. Although the crops had been abundant, the farmers held back the grain for fear of being plundered on the

[1] Lacroix, *Actes,* I. 217, 223–224, 245, 273–274; *Révolutions de Paris,* no. VI., p. 13.

[2] These works were finally closed August 23. The provincials were sent home, while Parisians were promised employment in the municipal works. Later in the fall many of the provincials were back in Paris. Lacroix, I. 168, 177, 192–193, 260–261; *Patriote français,* no. XX.; Bailly, *Mémoires,* II. 257; Godard, *Exposé des Travaux,* 20.

road or at the markets. Sometimes agents despatched to other towns to buy for the city were arrested as suspected monopolists. Early in August Paris was obliged to send a force of four hundred men to Provins to secure the release of two such agents.[1]

Occasionally it was legislation of the National Assembly which multiplied the difficulties of the Commune. As soon as the decrees of August 4 abolishing feudal privileges were known, there was a general massacre of game in the neighborhood of Paris. The preserves at Vincennes, belonging to the Duke of Orleans, still a popular leader, were alone respected. Even the guards at the city gates deserted their posts to join in the sport, until the assembly sent special detachments of soldiers to stop this disorder.[2] The discussions of the question of granting the king a veto also caused trouble. The agitators at the Palais Royal attempted to organize a march upon Versailles, which, but for the promptitude and energy of the Commune, might have forestalled the events of October 5 and 6.[3] Under the circumstances, it is not surprising if the deputies repeatedly deferred the specific task which they had been asked to perform and if they did not altogether succeed in pleasing either the mayor who had called them or the districts that had sent them.

II.

The government of the city remained provisional, resting for its authority upon the consent of the Parisians, and treated with deference by the National Assembly and by the whole country because of the triumphant part it had taken in the events of July. The royal government was not strong enough to dispute the powers of the victorious city, and the National Assembly was too busy during the summer to undertake the problem of municipal reorganization. From time to time and for specific purposes Paris received from Assembly or king grants of power. Early in August, when disorder had become general throughout the kingdom, the Assembly declared it to be the duty of the municipalities as well as of the National Guard to oppose attacks upon property and particularly upon convoys of grain. A few days later, after the Assembly had, by its decrees abolishing feudalism together with inequalities in taxation and many special privileges, promised to remove the most serious grievances, it was ready to use force to suppress disorder. This force it dared not intrust to the royal government. Accord-

[1] Lacroix, *Actes,* I. 91–92, 94.

[2] *Ibid.,* I. 148, 258; *Révolutions de Paris,* no. V., p. 17.

[3] *Ibid.,* no. VIII., pp. 7 *et seqq.*; Lacroix, *Actes,* I. 423–425, 435–437; Bibl. Nat. MSS. fr. nouv. acq. 2671, fols. 10, 11.

ingly, the municipalities were authorized to use their own militia or to call upon the royal troops. For the quelling of riot the sword was definitely taken from the hands of the king by the provision that the officers of the army should swear never to employ their soldiers except on a requisition from the civil authorities.[1]

The powers which Paris obtained over the means of securing a supply of food were, at least in spirit, contrary to the policy of the National Assembly, which, August 29, freed the grain-trade throughout the interior of the country from all the obstacles created by a paternal and arbitrary government. According to a project drawn up a few days later by the communal assembly, the Paris buyers were to have the preference at all grain-markets within twenty-five leagues, after the local needs had been supplied. The farmers were to carry every week a certain portion of their crop to these markets. To insure the success of the plan the municipality asked for the powers which had belonged to the lieutenant-general of police and to the royal commissioners. The National Assembly was evidently unwilling to revive one of the features of the old régime and referred the deputation of Paris to the king, who granted the request by a decree in council, September 7, although he provided that these powers should be valid only for the remainder of the year.[2]

[1] *Procès-verbal de l'Assemblée nationale* for August 5 and 10; Duvergier, *Lois,* I. 36–37. The oath read, "Nous jurons de rester fidèles à la nation, au roi, et à la loi, et de jamais employer ceux qui seront à nos ordres contre les citoyens, si nous n'en sommes requis par les officiers civils ou les officiers municipaux."

[2] The first form of the request, decided upon September 2, appears in the *procès-verbal* for that day, Lacroix, *Actes,* I. 454–455. The subject came up again September 4, *ibid.*, I. 473–474. On September 6 the assembly, after finding out that the National Assembly was disposed to do nothing further, referred the matter to the committee of subsistence, "pour être ensuite statué ce qu'il appartiendrait". The decree of the council is merely an approval of the request put in its final form, apparently by the committee of subsistence, for it does not appear in the *procès-verbal.* It is given, however, as from the *procès-verbal* in the *Mercure de France* of September 19. The original is preserved at the Arch. Nat., R. A. D. XI. 68. The assembly made prompt use of its powers, appointing twelve commissioners to compel the farmers to thresh their wheat and market the part provided for in the decree. Lacroix, I. 536–538; *Révolutions de Paris,* September 17. Loustalot regarded the scheme as vicious, and notes that the king in his decree had seemed more solicitous than the Paris authorities for the rights of other municipalities. He also notes the anomaly that the assembly had put below the decree "ordonne l'exécution". No. IX. 32–33. Bailly asked the communal assembly at this time to authorize him to solicit letters patent which should attribute to him the judicial powers formerly possessed by the lieutenant-general of police. The assembly was then on bad terms with the mayor and refused. Before this, late in August, he and four assessors were given the powers which had belonged to the Hôtel de Ville in its jurisdiction over merchants trading by the Seine and over offenses committed on the river or its bridges. Lacroix, I. 225–226, 232, 318–319; Bailly, *Mémoires,* II. 271.

III.

The communal assembly had been brought together primarily to prepare a plan of municipal government. Its efforts are interesting especially because of the fundamental assumption upon which they rested. The uprising of Paris in July had compromised the authority of the old monarchy. Similar movements in other cities had created so many centres of resistance that the unity of the kingdom was temporarily destroyed. At the same time the French people, or rather the bourgeoisie, working with a common enthusiasm for a new order of things, were becoming more united and were gaining a spirit really national. From their successful resistance as well as from the actual exercise of power it was only a short step to the attitude that each town had a right to organize itself and that within the limits of its local affairs its authority was supreme. This tendency toward local autonomy—what in 1793 would have been called "federalism"—lost its original character as soon as it became clear that power had passed from the hands of the king into those of the National Assembly. Indeed the movement was transformed into a successful effort to federate, in spirit at least, these local centres of revolutionary activity, in order to strengthen the National Assembly against the forces of reaction. In the fall, the assertion of local authority against the Assembly was denounced as little short of treason.[1] Consequently the agitation over questions of municipal organization resulted in nothing more than administrations which were to continue until the National Assembly had provided by law the machinery of local government.

The question of the right of Paris or any other town to organize itself came up during the controversy over the efforts of the electors to give themselves successors. When Mirabeau proposed a delegation from the National Assembly to the districts of Paris to aid them in constituting an administrative committee, he also suggested that this committee should prepare a municipal constitution. Thereupon Mounier asked him if he meant to authorize all the towns to municipalize themselves after their own fashion. This task, added Mounier, belonged to the National Assembly; to abandon it to the towns would be to create states within the state and to multiply sovereignties. Such a danger did not alarm Mirabeau, and in his reply he cited the example of the United States, which left to the members of the Union the details of their government, provided these were not in contravention to the republican form; and argued that similarly the towns of France could provide the local organiza-

[1] *Cf.* the case of Mounier and the Estates of Dauphiny; see also decree of October 26, Duvergier, I. 54.

tion suited to their needs, making it consistent with the general principles of the new order already laid down, that is to say, national representation, union of the three orders, freedom of election, and the like. Although Mirabeau's original notion was not adopted, the new plan of municipal government was based on the same fundamental idea.[1]

The author of the plan was Brissot, who was a federalist in 1789, even if he was not in 1793 in the sense of the word used by his enemies.[2] Although the commission which had been appointed to present the plan departed in some notable details from his suggestions, their recommendations were in the main his work.[3] He was convinced of the right of a community to regulate its local affairs without the intervention of the national authority. In the preamble, written for the plan but not published with it, he declared that the inhabitants of any city, a term which he uses in the classical sense, "have the right . . . to establish an administration and a police for everything common to them as such." After defining the sphere of action of the cities in their union as provinces, and of the provinces as parts of the kingdom, he says that the two local administrations must be conformed in their principles to the national constitution, and that this conformity must be expressed in a sanction or charter of incorporation given by the national legislature, which is the *federal* bond uniting all parts of a vast empire. Paris, he added, was so large that it must be considered both as a city and as a province.[4]

[1] *Procès-verbal de l'Assemblée Nationale,* July 23; "Dix-Neuvième Lettre du Comte de Mirabeau à ses commettans," *Courrier de Provence,* pp. 51 *et seqq. Cf.* Brissot, *Patriote français,* no. IX.

[2] It is to be noted that the term "federal" in French Revolutionary history means almost the converse of "federal" in American history. It was used to imply a scheme to destroy the unity of the kingdom, later the "unity and indivisibility of the republic". Brissot's original federalism was not tinctured with distrust of the central authority. He wished out of locally organized powers to create new channels for the exercise of executive authority, since the old channels were broken, "the intendants have disappeared, the tribunals are dumb, the soldiers are against the executive power and for the people". See "Avis au Peuple Français," in *Patriote français,* no. XIV. 4.

[3] This is shown by a comparison of the final plan with Brissot's project, which was published November 15 when it became clear that the National Assembly was to provide a municipal law for Paris. The title was *Observations sur le plan de la Municipalité de Paris; suivies du Plan original et d'un déclaration des Droits des Municipalités.* See further, *Patriote français,* nos. XV. 4, XVI. 3, and Bailly, *Mémoires,* II. 200–201. The *Courrier de Provence* attributed some influence to Sieyès, Castellane, and Montmorency, no. XXII. 8.

[4] *Patriote français,* nos. XVI., XVII. Brissot had already set forth the same theory in a speech made in his district assembly July 21. *Discours,* etc. (Bibl. Nat., pièce). In his no. XXIII. he hints that his scheme was criticized as making a republic of Paris and defends the theory from such charges. *Cf.* Bailly, *Mémoires,*

Whether the commission altogether approved of Brissot's federalism or not, it did not decrease the powers he ascribed to Paris; on the contrary it added to them. In agreement with him Paris was to assess and collect all taxes, and even to supervise the Bank of Discount[1] and the postal service. But while he, consistent with his general theory, assigned to the local government no jurisdiction beyond the city and the faubourgs, the commission recommended that it assume the powers of the ancient *bureau de la ville* and of the lieutenant-general of police, particularly in the matter of food supply. The assembly virtually acted on this recommendation when it applied to the government for the powers granted by the decree of September 7.

One of the significant features of the plan was the attempt to put an end to the constant meetings of the district assemblies. They were henceforward to be convened only for elections. Brissot argued that this provision was prompted by anxiety to save the time of the citizens. As a member of a district assembly he had in July claimed for it almost as much legislative and executive authority within its sphere as for the towns within their jurisdiction. After his election to the communal assembly his attitude changed, until a few months later he declared, " Since the districts have taken it into their heads to meet constantly, many of them have disputed the powers of their representatives at the commune, opposed decrees of the National Assembly, and even judged the judges."[2] The National Assembly agreed substantially with this feeling, although it took care not to express it so emphatically, for the municipal law given to Paris in 1790 provided that after the elections had been completed the district assemblies should be dissolved. The commission's plan struck two other blows at district aspirations after supremacy. It declared that each " representative " belonged to the commune as a whole and could not be revoked by the district assemblies. Furthermore the provision that the president of each district should be selected from its group of deputies gave the municipal assembly a direct hold on the districts.

The machinery of government provided for in the plan was in part actually set in motion in October and November and remained until the system voted by the National Assembly was substituted for

II. 258–260. When in November the National Assembly announced the intention of providing a special municipal law for Paris, Brissot insisted on the correctness of his theory though he waived its practice in view of the imperative need of harmony. See no. CXVIII. The *Révolutions de Paris* persisted in the original attitude; see no. XXI.

[1] The Bank of Discount had become a quasi-government institution.

[2] *Patriote français,* no. CCIX.

it a year later. Moreover, several of its features were preserved in this system. There was to be a general assembly of three hundred members, sixty of whom were to constitute a council of administration, and of these sixty the principal officers—mayor, commandant-general, eight aldermen, solicitor, his two assistants, and eight heads of departments—formed the *bureau de la ville.*[1] The mayor was merely the presiding officer of all assemblies and all departments of the municipality. The final decision in administrative matters was to belong to the presidents of the departments, soon to be called lieutenants of the mayor. The assembly was to elect the members of the council and to choose those administrators who, with the mayor and commandant-general, were to form the *bureau.* Its other powers were left vague. Nor were the functions of the council stated more clearly. The commission was apparently concerned rather with elections and terms of office than with the business of the council when once constituted, merely implying that it was to submit to the assembly matters which the *bureau* had prepared. The administration of the different quarters of the city was entrusted to district committees, granted powers of arrest, though without the right to try cases.[2]

IV.

The plan of municipal government was submitted to the assembly August 12. The commission had done its work with reasonable promptness. If the assembly pushed forward the discussion with equal zeal, the object which Mayor Bailly had in view, namely the immediate organization of an effective administration, could be accomplished. But the assembly, distracted by its many tasks, did practically nothing. As the end of the month approached Bailly became restless. He noted signs of discontent also in the districts. His irritation was increased by the manner in which the assembly ignored him. None of its acts disturbed him as much as its repeated criticism of the committee of subsistence with which he constantly worked. He attributed these attacks partly to the presence on the committee of several electors who had never been formally super-

[1] The eight departments were: subsistence, police, public buildings, public works, hospitals, domain or finances, taxes, National Guard. There was a ninth, the *Tribunal contentieux,* a species of administrative court composed of the eight aldermen and presided over by the mayor.

[2] The full title of the plan was *Projet du plan de Municipalité de la Ville de Paris, présenté à l'Assemblée générale des Représentants de la Commune par ses commissaires* (Bibl. Nat. Lb^{40} 1185, octavo, 52 pp.); see also *Motifs des commissaires, pour adopter le Plan de Municipalité, qu'ils ont présenté à l'Assemblée générale des Représentants de la Commune* (Bibl. Nat., pièce). Lacroix, *Actes,* I. 185, and note 5, pp. 195–198.

seded. Impelled by these considerations,[1] he resolved to force an immediate organization of the administration and to restrict the assembly to the task of discussing the plan of government.[2] In attempting to carry out his scheme Bailly addressed himself directly to the districts. He proposed that the *bureau* described in the plan be chosen by an electoral assembly convened for this purpose. The whole operation would, he thought, be completed in eight days.[3]

From his proposals it is clear that Bailly was determined to recover a position at the head of affairs. "The mayor", he said, "is the chief of the municipal administration; he is its active principle." He complained that the new plan did not give the mayor the influence that should belong to him and declared that assemblies could not administer. Although Bailly made a passing allusion to the continuance of the assembly at the Hôtel de Ville, in order that it might prepare its observations on the plan, his letter seemed to lead toward suppressing it altogether.[4] The significance of the blow was heightened because it was prepared secretly. None but his favorite committee of subsistence was consulted. In order to strengthen his position Bailly sought support in the districts by conceding to them full local legislative power.

Bailly did not intend to call into existence another assembly. His meaning was sufficiently clear, but he had reckoned without

[1] For illustrations of Bailly's troubles with the assembly, see his *Mémoires,* II. 196–197, 263, 269, 270, 280–281, 348–351; Lacroix, *Actes,* I. 465, 469–470, 480, 488; Godard, *Exposé,* 50; on presence of electors, see Lacroix, I. 307–308; also the journal *Versailles et Paris* of August 22; *Extrait de Registres . . . de St. Nicholas-du-Chardonnet,* du 7 sept. (Bibl. Nat., pièce), and record of assembly of Saint-Roch for September 4 (Bibl. Nat. MSS. fr. nouv. acq. 2665, fol. 31). A new committee of subsistence was formed September 8. See Bailly, *Mémoires,* II. 363; Lacroix, I. 451, 455, 510, 512; *Journal de Paris* of September 21; *Révolutions de Paris,* no. IV. 18, 38, no. VI. 32, no. VII. 3. Jefferson, who was still in Paris, had not much opinion of the work of this committee. In a letter to Madison, August 28, he writes of "the palpable impotence of the city administration to furnish bread to the city". *Works* (Ford's ed.), V. 107.

[2] A few days before Bailly acted in this matter, a pamphlet was published by a scientist, Ramond de Carbonnières, criticizing the plan of government and proposing one by which the mayor could not be reduced to the inactivity of a doge and by which legislative power should be left definitely to the districts. The fundamental ideas of the pamphlet and of Bailly's subsequent letter to the districts are so similar that it is difficult to resist the inference that Bailly was influenced by these suggestions. The title of the pamphlet was *A mes concitoyens,* Paris 26 Août, 1789 (Bibl. Nat., pièce).

[3] Bailly's letter is given in Lacroix, *Actes,* I. 392–395.

[4] Lacroix says (I. 408), "On peut lire et relire sa lettre, on n'y trouvera pas un mot qui ne laisse supposer que les cent quatre-vingts sont condamnés à disparaître dès que la nouvelle délégation des districts sera formée." But Bailly expressly says in reference to the plan, "Mais l'assemblée générale des Représentants de la Commune doit y faire d'abord ses observations."

taking account of the probable action of the existing assembly. This body learned of the letter the day on which it was despatched, and the astonishment and indignation of the deputies were boundless. The mayor was sent for and was obliged to defend himself against their angry complaints. In order to snatch victory from the midst of defeat they assumed that it was necessary to adopt Bailly's suggestion but not his method of carrying it into effect; for this, they urged, would thwart his real intentions. Accordingly the districts were asked to accept those parts of the plan which concerned the organization of the general assembly, the council, the *bureau,* and the districts themselves. After the assembly had chosen the council the two hundred and forty members remaining were to occupy themselves with the examination of the plan of government, modify it according to the observations of the districts, and finally submit it to these for sanction. The citizens were plainly warned against the mayor's original scheme, and an apology was offered for the assembly's delays which reflected upon him and upon his committee of subsistence. The record showed that this was done in the "presence of the mayor and in agreement with him," and he was required to affix his signature. He did this, he afterward explained, to avoid scandal.[1]

The proposition of the assembly placed the more ambitious districts in a predicament. The titles of the plan which they were asked to accept contained the three limitations on their powers which have already been explained. There was no method, short of total rejection, by which they could give a qualified consent to the project and be sure that their conditions would be respected. Some of them preferred the mayor's plan, but the majority supported the assembly. Out of its one hundred and eighty members one hundred and fifteen were returned to sit in the new assembly. This did not mean that the districts would abide by features of the project to which they objected seriously. Nearly half ventured to take from the assembly its principal electoral duty by each designating one of their five deputies as a member of the council. The district assemblies also continued to meet as before, and in several instances they succeeded in revoking deputies by bringing a pressure upon them which the communal assembly was powerless to prevent.[2]

[1] Lacroix, I. 396–399; *Chronique de Paris,* I. 39; *Patriote français,* no. XXXI. This was the first time Bailly had been asked to sign the record since July 30.

[2] Several districts gave conditional adhesions, notably the Récollets, *Extrait du Registre . . . du premier Septembre, 1789* (Bibl. Nat., pièce); Bancal des Issarts urged in the district of the Carmes that the president of the district was disqualified from being also a deputy, *Arrêtés* (Bibl. Nat., pièce); see for action of Saint-Roch Bibl. Nat. MSS. fr. nouv. acq. 2665, fol. 36. The practical

V.

If Bailly's municipal *coup d'état* be judged by the time the new assembly took to organize the provisional administration, it was a failure. The assembly met September 19, but it was the middle of November before the government was in working order. This was partly due to the controversy with the districts over the method of choosing councilors.[1] After some resistance the assembly yielded and those districts which originally had not designated one of their deputies to serve as a member of the council did this. The attention of the assembly was also absorbed by the new problems which the events of October 5 and 6 presented. About the middle of October Bailly hinted that, as it had given up the work of administration, certain matters be turned over to him, but the deputies were deaf.[2]

Before the administrative organization was completed scruples began to arise about its legal standing. This concerned especially the department of police. Some persons argued that with the suppression of the office of lieutenant-general of police the jurisdiction which he exercised had passed to the Châtelet. Such doubts show that the period when ordinary laws could be ignored in the name of public necessity was passing away. The first to realize the difficulty were naturally those upon whom heavy responsibilities had been placed. To clear up the situation it was proposed that the National Assembly should be requested to grant to the mayor and the administrators the powers of administration and police within the city, and the control of provisions without its limits, which had formerly been possessed by the lieutenant-general of police, the Hôtel de Ville, or special commissioners. If such a request were granted, it would extend the authority conferred by the king's

acceptance of the assembly's proposals, with these exceptions, left the functions of the new assembly somewhat undefined. Several districts urged that its duty was to report on the plan of government; others asserted that it should still watch over administration; see *Extrait des Délibérations . . . de Ste. Opportune* (Bibl. Nat., pièce) and *Extrait du procès-verbal des Mathurins du 7 sept* (Bibl. Nat., pièce). *Cf.* Lacroix, II. 2–3, although this summary does not touch the point in question.

[1] *Patriote français*, no. LIV. 4. As examples of the attitude of the districts, see action of St. Marcel, in Lacroix, II. 116; *Extrait du Registre des Délibérations du District des Prémontrés, du 28 Septembre* (Bibl. Nat., pièce).

[2] The members of the council had been chosen by October 3, but the events of the fifth and sixth delayed the first session until the eighth. Lacroix, II. 151, 216. After choosing the heads of two departments the assembly abandoned this work to the council. The *bureau* was organized October 20, and a few days later assumed to be the sole administrative body. *Ibid.*, 493. Bailly's suggestion to the assembly is *ibid.*, 299–300. The official who had served as treasurer under the old government was elected to the same position.

council in the matter of the grain-trade. The project found many enemies even in the communal assembly. Some objected to an appeal to the National Assembly, insisting that the districts should be consulted, others declared that the assembly should devote itself wholly to an examination of the plan of municipal organization, leaving everything to be managed as it had been. The council protested against this decision and resolved to negotiate directly with the National Assembly. Meanwhile the project had been restricted in its scope, providing merely for the department of police. The deputation appeared in the National Assembly with Bailly at its head. He explained that the communal assembly would undoubtedly have sent the project themselves had they not been absorbed by their labors on the plan of government. He urged that the responsibility to which the administrators were subjected demanded some rule of action, since it was impossible to answer for the use of an indefinite and arbitrary power. The project proposed that real criminals be turned over to the Châtelet as before. Mere disturbers of the peace were to be brought before a member of the district committee, who had power to send them to the city prison. The lieutenant in charge of the department of police or one of his councilors was to interrogate the prisoners each day, with the authority to release or to condemn to brief imprisonment or to a fine. More serious cases were to be brought before a tribunal of police made up of the mayor, his lieutenant, and eight adjunct notables. This tribunal could imprison for a month or fine to the amount of one hundred livres. When the communal assembly heard of this step, it showed intense irritation. Some of the districts also complained of the action of the council. The new department of police was fully organized by the middle of November; and the committee of police, upon which several electors still served, was released from the arduous duties which it had performed for four months.[1]

Before the new police tribunal was established, the municipality received extraordinary powers for the suppression of riots. The immediate occasion was the atrocious murder of the baker François, wrongfully accused of keeping back a part of the day's baking. An event so sinister, happening just after the National Assembly had begun its sessions in Paris, naturally alarmed the communal assembly. Only the day before, a deputation with Bailly at its head had declared that it was the duty of Paris to surround the National Assembly "with repose and tranquility." The whole nation had

[1] See *Moniteur,* II. 227, November 24; Lacroix, II. 418–419, 427–428, 437–438, 444, 479–480, 483. Text of decree, *ibid.*, 579–582. Attitude of communal assembly, *ibid.,* 542; *cf. Patriote français,* no. XC.

been assured in a solemn address, when the king had been brought to Paris and the National Assembly had announced its intentions to follow him thither, that all the inhabitants of the city were ready to shed their blood to preserve the independence of its deliberations and the personal security of its members.[1] If murderous mobs were to parade the streets with the head of any unfortunate man they suspected of treason, the deputies who had refused to come to Paris on the ground that in this turbulent city freedom of speech was impossible would be justified by the facts. Accordingly the communal assembly sent two or three deputations in rapid succession to the National Assembly asking for the enactment of a martial law which would permit the dispersal of mobs by force. Such a measure had already been under consideration. It was put into form and enacted the same day. The king sanctioned it immediately, and the following day it was publicly proclaimed.[2]

This law gave to the municipality the right upon its own judgment of the facts to decide when the occasion had arrived for the use of force against a mob. The signal should be the display of a red flag from the windows of the Hôtel de Ville and in the streets and squares of the city. Instantly all assemblages of people with or without arms become criminal. If the mob does not disperse, the soldiers, preceded by the red flag and accompanied by at least one municipal officer, are to march to the spot. In order that peaceful citizens may have an opportunity to retire and that just grievances may be heard, the crowd may appoint a deputation of six persons to present their requests, after which it must disperse at once. If it does not disperse, there are to be three summonses and then the soldiers are to fire. Even radical journalists like Loustalot acknowledged that such a law was necessary, and Brissot regarded it as a masterpiece of precision, of foresight, and of just proportion between crime and penalty. One of the members of the communal committee of police afterward declared that from the enactment of this law dated the revival of public tranquility, and that by the first of November Paris ceased to be the theatre of factions.[3]

[1] Bailly's speech is given in Lacroix, II. 345–346; the address of the Commune, *ibid.*, 245–247. It is to the credit of French justice that the leaders of the François mob were tried immediately and hanged within thirty-six hours of the commission of the crime.

[2] Lacroix, II. 363, 364, note 4, 377–379; text of law, 385–386; Duvergier, I. 52–53.

[3] *Révolutions de Paris,* no. XVI. The quotation from this journal by Lacroix, II. 435, is misleading. *Patriote français,* no. LXXVI.; *Chronique de Paris,* I. 259; Godard, *Exposé,* 90. There was slight opposition in one or two districts; for this, see Lacroix, II. 422–423; *Révolutions de Paris,* no. XVI. 3; *Journal de Paris,* October 31; *Bataillon de Saint Martin-des-Champs* (Bibl. Nat., pièce);

VI.

Until the meeting of the second communal assembly, September 19, the controversy over functions and powers had been chiefly between the assembly and the mayor. It now became a struggle between the assembly and the districts. Intimations of such a conflict had not been wanting during the earlier period, but the districts were then too busily occupied with their own organization to be jealously watchful of the Hôtel de Ville. The local police had fallen into their hands, and their military patrols were the sole means of preserving order. They were obliged also to exercise in minor matters a rude though not always unfriendly justice.[1] The organization which they adopted to meet these conditions varied with the character and aspirations of each district. Several drew up an elaborate constitution and provided themselves with a full panoply of committees—"grand", "central", finance, subsistence, military affairs, and police. Their critics accused them of doing this to satisfy the thirst of the more ambitious members for office. Brissot remarked that there was not a petty lawyer who did not aspire to be a Demosthenes, not a student who was not determined to become commandant. In some districts, he added, there were more officers than soldiers.[2] The general assembly of the district theoretically included all persons—clergy, nobles, or bourgeois—who possessed the qualifications fixed for the original primary assemblies. After the first excitement was over, service in the civic guard and in the assemblies became wearisome. Government in the districts, as afterward in Paris, fell into the hands of an energetic and sometimes noisy minority.[3]

The desire of the more ambitious district politicians to carry out their schemes or to provide for the needs of their own localities without delay gave color to the accusation that Paris was divided into "sixty little republics." Some districts were in the habit of

Appel des sieurs Martin et Duval (Bibl. Nat., pièce); *District de St. Martin-des-Champs* (Bibl. Nat., pièce).

[1] The larger part of the "Délibérations du comité civil du district des Mathurins" is taken up with such affairs (Bibl. Nat. MSS. fr. nouv. acq. 2696, fol. 48–120).

[2] Quénard, *Tableau historique,* 48; *Révolutions de Paris,* no. VII. 7; *Patriote français,* no. XIX. The district of Prémontrés had an elaborate constitution. For that of St. Étienne-du-Mont, see *Règlement provisoire* (Bibl. Nat., pièce) under date of July 27. For problem in other districts, see Bibl. Nat. MSS. fr. nouv. acq. 2670, fol. 2–4, 6, 53, and 2696, fol. 40.

[3] It is difficult to form an exact estimate of numbers in the district assemblies where so many records have been destroyed. On July 22 there were 130 in Saint-Roch out of about 2,500 citizens resident in the district. On September 11 at the Mathurins there were 140 votes cast in the election of the new deputies. Hardy MS., "Mes Loisirs," VIII. 471.

placarding their decrees even outside their own limits. One of them ordered the release of certain prisoners from La Force. When the concierge did not obey, he was summoned to appear before the central committee; and the threat was added that, if he did not come voluntarily, soldiers would be sent to fetch him. Only the intervention of the communal assembly and of Lafayette prevented this. Other districts went to the arsenal and seized cannon and powder. In several instances expeditions were made into the country in search of arms. Sometimes it was grain or flour that these expeditions sought. In one instance a district stopped a convoy of flour in Paris on its way to the market and distributed the flour to bakeries within the district.[1] In another case a district assumed the functions of the former lieutenant-general of police and issued formal decrees regulating, presumably within its own limits, public carriages, speed of driving, butchers' shops, etc.[2] There was no intention to cause disunion, but such inconsiderate use of power led toward actual anarchy.

The reluctance of the district politicians to part with power even after they had constituted a municipal assembly was illustrated in the spasmodic attempts to form a central committee or clearing-house for the liquidation of conflicting opinions. The scheme was first proposed when the question of substituting an assembly for the electors was agitating the districts. Hardly had the new assembly been organized before its attention was called to the existence of another assembly holding sessions at the archbishop's palace and calling itself the Central Committee of Correspondence. Several of the districts which approved the scheme were, however, anxious that it should not take the semblance of a regular assembly with officers, records, debates, etc. According to this view it should only collect and transmit information in order that a common policy might control the action of all the districts. Others argued that its duty was to watch the municipal assembly, which, said they, was far from being infallible. So many districts were either indifferent or opposed to the idea that it could not then be embodied in an effective organization. Late in October another attempt was made. At this time the controversy between the assembly and the districts was becoming acute. Officials or commissioners from forty-two

[1] *Extrait des délibérations de l'assemblée du district de Ste. Opportune, du 5 août, 1789* (Bibl. Nat., pièce); *Discours* of M. Godard, ex-president of the Blancs-Manteaux (Bibl. Nat., pièce); *Révolutions de Paris,* nos. V. 31, 33, VI. 32, VII. 7–11; Bailly, *Mémoires,* II. 282, 314, 353, 371; Hardy MS., 444–445; Lacroix, I. 276–277, 462–463, 551–552, 562–563.

[2] For example, *Extrait des Délibérations du District des Petits-Augustins du 4 août, 1789* (Bibl. Nat., pièce). *Cf.* another case, Bailly, II. 258.

districts held a meeting. Although at their second meeting only twenty-three were represented, a plan of action was sent to the districts, which, if adopted, would have dispensed with the communal assembly. Each district was to communicate its projects to the other districts, which were to meet at once and formulate their views. If these were favorable, the deputies of the district which originally proposed the project were to draw it up at the Central Committee in the presence of the deputies of the other districts, after which all should be "obliged to conform to it as the decision of the majority." This plan of direct government got no farther because a majority of the districts were not yet in the mood to crowd the communal assembly out of the place it had been created to fill. It was only in the spring of 1790 that an assembly at the archbishop's palace, with the assistance of Mayor Bailly, succeeded for a time in posing as the real agency for communal action.[1]

VII.

The issue between the municipal assembly and the more ambitious district leaders turned upon the question whether the assembly could make necessary regulations or ordinances without consulting the districts; and whether, after the council and *bureau* were organized, it should not restrict itself to the completion of the plan of municipal government. The legislative power, these men insisted, belonged to the districts. Some added that even the National Assembly could not interfere in purely local concerns. Others sought to weaken the position of the municipal assembly by arguing the provisional character of the Paris government and asserting that, until the National Assembly had given the city a municipal constitution, the municipal assembly had no right to pass laws or ordinances.[2]

[1] For the earlier projects of such an organization, see *Extrait du procès-verbal de l'assemblée du district de l'Oratoire* (Bibl. Nat., pièce); *Vœu d'un citoyen* (Bibl. Nat., pièce); *Discours prononcé par M. Javon,* probably before July 28 (Bibl. Nat., pièce); *Extrait des délibérations . . . de St. Louis-en-l'Isle* (Bibl. Nat., pièce), July 30; *Extrait du procès-verbal de l'Assemblée du district des Mathurins, du 7 août 1789* (Bibl. Nat., pièce); see also Lacroix, I. 30, 33–36. For the later period, see *Chronique de Paris,* no. LXX.; *Journal de la Municipalité et des Districts,* October 28, 30, November 4, 6; *Extrait d'une Délibération du D. des Mathurins,* November 6 (Bibl. Nat., pièce); *Révolutions de Paris,* no. XVIII.; see also Lacroix, II. 533–534, 537–541.

[2] The point of view of the opposition districts is illustrated in the following: for Saint-Roch's declaration of November 9, see Lacroix, II. 553, *cf.* 642; *Addresse Respectueuse du D. de St. Leu à l'Assemblée Nationale* (Bibl. Nat., pièce); for Prémontrés, *Extraits,* of September 28 and October 2, and *Observations sommaires,* October 31 (Bibl. Nat., pièces); *Extrait* of November 18 (Arch. Nat. C 33, no. 286); for St. Germain-des-Prés, *Révolutions de Paris,* XVII., *cf.*

Much of the opposition of the districts to the communal assembly received its impulse from the decision to form six companies of chasseurs which should guard the city gates and assist the tax officers in collecting the octroi. Ever since the uprising in July it had been difficult to collect this tax. The loss could ill be endured because the government was threatened with bankruptcy. If the gates were to be guarded effectively, this duty must be intrusted to paid companies. The citizens of the districts were unwilling to perform their ordinary guard duties and could not be depended upon for such services. Moreover there were many soldiers in the city, particularly Swiss, whom it had been impossible to incorporate in the paid companies of the districts and who could not be sent home. Several districts objected to further military organizations of this sort. One declared that it would never abandon the control of the gates within its own limits unless the organization of the chasseurs had been approved by the majority of the districts. This agitation did not prevent the communal assembly from voting another company to guard the central market, where serious disorders were endangering the flour trade.[1]

Lacroix, II. 576; for St. Honoré, *Extrait des Registres* (Arch. Nat., C 33, no. 286 *bis*); *Extrait des Délibérations de l'Assemblée générale du D. des Petits-Augustins,* September 19 (Bibl. Nat., pièce); St. Marcel, *Extrait des registres,* October 20 (Bibl. Nat., pièce); Saint-Séverin, *Assemblée générale du 20 Nov.* (Arch. Nat. C 33, no. 268 *bis*); St. Louis-de-la-Culture, decrees, etc., of November 9, 16, 19. For Cordeliers, see below. Several of these decrees or deliberations are quoted in whole or part by Lacroix in his notes. The most enthusiastic supporter of direct legislation was Loustalot, who argued that the function of the communal assembly was to lay propositions in a simple form before the districts. He believed that much might be done also in large assemblies like those held in Rome, and he published diagrams of an ingenious sounding-board which would place the speaker's mouth at the foci of two parabolas, the curve of one immediately behind him and that of the other beneath him. The representative system he denounced as a relic of medieval feudalism and simply a new form of slavery. *Révolutions de Paris,* September 19, no. XIV. 15–21, XV. 15–16, XVII., XVIII. 8–14, XXI. 20–21. The Abbé Fauchet, a popular preacher, later one of the Girondist group, advocated similar views in the communal assembly itself; see *Motion faite par l'abbé Fauchet,* November 20, 25, December 2 (Bibl. Nat., pièce). The view favorable to the communal assembly is illustrated in the following: St. Jacques-de-l'Hôpital, *Extraits des différentes Délibérations,* etc. (Arch. Nat. C 33, no. 286); Ste. Opportune, November 21, *Extrait* (Bibl. Nat., pièce); St. Germain-l'Auxerrois, in Lacroix, II. 674–675; Carmes, *ibid.,* III. 6.

[1] The question of the chasseurs came up in connection with nearly all theoretical criticisms of the assembly. The most noteworthy pronunciamiento was one by the Petits Augustins, in which its views were emphasized by capitals. Apropos of the nominations of officers it declared "que cette nomination est un ATTENTAT AUX DROITS ET LA LIBERTE DE TOUS LES CITOYENS, Qu'elle Annonce L'Exercice D'Une Autorité Arbitraire", etc. (Bibl. Nat., pièce); the efforts of St. Louis-la-Culture, November 9, 16, 19 (Bibl. Nat., pièces), are also intructive. *Cf.* Lacroix, II. 405–407, 476, 502–503, III. 19–22.

The conflict between the communal assembly and the district of the Cordeliers, under the leadership of Danton, is the most notable illustration of the tendencies of the opposition. Early in October the Cordeliers had called upon the other districts to assist in effecting the release of the Marquis de St. Huruge, one of the noisiest agitators of the Palais Royal, on the ground that his arrest, made by the municipal officers, had been illegal. When the municipality instituted proceedings at the Châtelet against Marat, who in *L'Ami du Peuple* mingled criticism, rough satire, calumny, and provocations to sedition, the district voted that it would with all its power defend authors within its limits against "voies de fait", although it declined to resist any effort of those who were libeled to obtain redress by the ordinary processes of law. An attempt of the officers of the Châtelet to make an arrest was apparently considered an act of violence.[1]

These were simply skirmishes before the battle. Late in the same month the Cordeliers "enjoined" its deputies to invite the municipal assembly to urge upon the National Assembly the trial of Besenval[2] or his transver to Paris from Brie-Comte-Robert, where a large guard was stationed at the expense of the city. The assembly had already done what it could, and its members were irritated that the matter was raised in this way. They did not relish the implications of the word "enjoin", and they seized the occasion to complain formally of the constant interference of the districts in administration by deliberations and decrees publicly placarded, and asked the Cordeliers in particular to refrain from placarding decrees which tended to disturb civic harmony. The reply of the Cordeliers was prompt. It denied that the assembly had a right to trace for the districts the limits of their activity until the National Assembly had given the city its legal organization. The district further declared that its deputies had agreed to take an oath

[1] Marat's case was first taken up September 25; Lacroix, II. 69; for further action, see *ibid.*, 157–158, 201–202, 319–320, 344. His attacks on the municipality began with number VIII., two days after the journal had been changed from *Publiciste parisien* to *L'Ami du Peuple*. For especially violent diatribes, see nos. XV. and XXVI. In no. XVIII. he tells of his experiences at the Hôtel de Ville when summoned to appear before the assembly. In no. XXV. he called for the appointment of a "Tribune" armed with military power, and provoked the National Guard to sedition. See further, *Révolutions de Paris*, October 2, pp. 34–38; *Chronique de Paris*, October 8. Marat had incidentally praised Peyrilhe, one of the deputies of the Cordeliers. In October 9 Peyrilhe wrote to the *Chronique de Paris* protesting "que cet éloge partant d'une plume qui distille la sédition et la calumnie, m'outrage et m'afflige profondément." For action of Cordeliers, see *Extrait du Registre . . . du 7 Oct.* (Bibl. Nat., pièce), and *Chronique de Paris* for October 13.

[2] For the Besenval case, see the Review for January, 1905 (X. 304–305).

to conform to everything prescribed by their constituents. This oath acknowledged that as deputies they were revocable at the will of their constituents and that they had no authority to concur in any organizations of a civil or military character which should not first have received the sanction of the districts. When the oath was actually tendered to the deputies of the Cordeliers a few days later, three of them resigned rather than take it. The assembly refused to recognize these resignations as valid. Had it paused here, its case would have had the better chance of success, as the sequel proved. But it was not content with a strong defensive position; it undertook to force the fighting by annulling the decree of the Cordeliers, by declaring the oath void, and by expelling one of the deputies of the district who had boasted that he was the originator of the scheme to demand an oath. Both sides appealed to the National Assembly and to the districts. Several districts which sympathized with the Cordeliers recalled their deputies, others rallied to the support of the assembly. The situation became daily more intricate and embarrassing.[1]

For the National Assembly the question was also embarrassing. However comprehensive its functions, they certainly did not include the decision of questions of legal theory, especially in the case of a city under a provisional régime organized mainly by itself. But the matter was referred to a committee, and its report, November 23, on the whole supported the contentions of the communal assembly, although it declared that the assembly had exceeded its functions in denying the right of the Cordeliers to choose three deputies in place of those who had resigned. The claim of the Cordeliers of authority to exact an oath or to revoke its deputies is explicitly denied, because, declares the committee, "it is important that the representatives of each district fill their functions until the expiration of the time set by their credentials or until they have given their voluntary resignation, and that they be held to no other oath than that of filling honorably the mission which they have accepted." According to this the communal assembly would be obliged to receive the newly elected members and to retain the two deputies who had taken the oath. Before the Assembly had an opportunity to take a vote, one of its members explained that already thirty-eight districts had rejected the decree of the Cordeliers and

[1] Lacroix, II. 463–464, 637–641, 644. The various deliberations of the Cordeliers are given in a little collection (Bibl. Nat., L^{b} 40/254). For the action of the districts for or against the contention of the Cordeliers, see résumé with documents in Lacroix, III. 28–32. *Cf. Patriote français,* no. CVI. Brissot's opinion was, "en thèse générale, le Peuple, en matière de Constitution, peut assujetir ses Mandataires à son volonté—il ne peut pas en matière de Législation."

that it was hoped the other twenty-two (*sic*) would speedily follow their example. Under the impression of this assurance, the Assembly decided to close the discussion raised between the districts and to order that the matter should stand as it had stood before November 11. The effect of this was to put the communal assembly in the right, for if a longer discussion of the question was formally deprecated and the *status quo ante bellum* was resumed, the districts by implication had no power to exact an oath or to revoke their deputies. On the other hand, if the deputies themselves yielded to pressure and resigned, the communal assembly had no remedy except vain protests. This was what happened in the Cordeliers case, for those who had resigned persisted in their resignation, so that the assembly was obliged to admit their successors. Indeed they did this without question.[1]

Scarcely had the storm subsided when it broke out again with renewed fury. This time the occasion was the long-deferred plan of a municipal constitution. On November 26 the National Assembly had decided that Paris, on account of its immense population, should have a special charter, and plainly intimated that this charter was to be drawn up by the Assembly itself. The municipal constitution-makers, who had approached their task with such elaborate and almost reverential deliberateness, were naturally

[1] For the report of the committee, see Lacroix, III. 32–33. The statement that a majority of the districts had rejected the pretention of the Cordeliers seems substantiated by an analysis of the action of the districts, sworn to in the presence of the mayor November 22; for this see *ibid.*, 34–35. The paper is confirmed by the statements of the *Courrier de Provence* and by Brissot in his *Patriote français,* although the *Révolutions de Paris,* no. XX., accused Brissot of lying impudently in this matter. M. Lacroix believes that the honors rested with the Cordeliers. He remarks (p. 35), "juridiquement, la question resta indécise: le mandat impératif, le droit de révocabilité permanente restèrent discutables et discutés. Mais, en fait, le district des Cordeliers triompha; sa volonté prévalut malgré l'opposition de l'Assemblée des Représentants de la Commune." Against this view stands the fact that the main contentions of the Cordeliers were practically abandoned by it and by its supporters, although it did maintain its right to substitute new deputies for those who had resigned. It is also significant that the *Révolutions de Paris* is especially bitter after the decision and criticizes the action of the National Assembly. M. Aulard in his article on "Danton au District des Cordeliers" (*La Révolution française,* XXIV. 138) strangely represents the report of the National Assembly's committee as giving "raison aux Cordeliers", ignoring everything in the report save what was said about receiving the new deputies. However exaggerated may have been the pretentions of the assembly, it is difficult to see what advantage could come from the attempt to render it powerless to administer a city which as yet had no definitive organization. The action of the districts seems to have been largely directed by petty jealousy concealed behind a screen of glittering principles. Danton himself became quiet as soon as he was chosen a member of the assembly in January, 1790. M. Aulard says, "Son rôle y fut très effacé," *ibid.*, 142.

aroused by such a step. Two days before, they had again voted to take up the discussion of some scheme or of the Brissot plan. Brissot now made a move which if successful would have checkmated those who wished to begin the inquiry anew without giving chief attention to his plan. On the thirtieth he moved that an address be sent to the National Assembly explaining that Paris had been obliged by circumstances to organize a provisional government, that a committee had been asked to submit a plan for a new municipality, a part of which had been accepted provisionally by the districts, and that the "240" were actually engaged upon a further examination of this plan. The address was also to ask that the Assembly authorize its constitutional committee to consider this plan in conference with a committee to be appointed by the "240" in order that the project finally adopted might meet the special requirements of the capital as well as conform to the general principles of municipal law sanctioned by the National Assembly.[1] The news of this motion spread rapidly through the districts. Several of those which had already signalized themselves by their attacks on the communal assembly regarded the motion as a scheme to deprive the districts of any influence upon the result of the constitutional discussions. Violent remonstrances were sent in before the deputies had had time to complete their debate. One district sent a deputation to the other fifty-nine asking that delegates be sent to the next public session of the "240", to "summon them in full assembly to keep to the letter of their powers and even to withdraw without delay to the archbishop's palace to fulfil this duty". After a long discussion Brissot's motion was lost, but the action taken involved the same principle of co-operation with the constitutional committee of the National Assembly; for a new commission of twenty-four, which was given the task of preparing the bases for the municipal constitution, was authorized to confer with the committee of the National Assembly as often as it saw fit. A sop was thrown to Cerberus by voting that as each article was completed it should be sent to the districts for approval.[2]

VIII.

The appointment, December 2, of a new committee upon a municipal constitution marked the close of another period in the

[1] Lacroix, III, 82–83, and note 3, 88 *et seqq.*; *cf. Patriote français* (December 4), no. CXVIII., and *Révolutions de Paris* (November 28–December 5), no. XXI.

[2] Lacroix, III. 96–99. Lacroix analyzes the action of the districts in notes 1, 2, and 3, pp. 103 *et seqq.* The chairman of the new committee was the Marquis de Condorcet. Brissot's motion is regarded by Lacroix as accounting for the distrust with which even the Condorcet committee was regarded by the districts.

Revolutionary career of Paris. The work done on the Brissot plan had not been altogether vain, for the provisional government, which had at length been organized, embodied its most important suggestions. Nor was the new plan destined to depart from it materially. From this time the business of the communal assembly ceased to be administrative and concerned itself with the new plan as it was reported article by article. As soon as an article was completed, it was submitted to the districts. For a while the attacks of the districts ceased. It was unlikely, however, that the district politicians, who believed in direct government, would find no other occasions to illustrate their favorite theory. Indeed, the months which still remained before the provisional government went out of existence were characterized especially by the action of the Commune through its district assemblies. The law provided by the National Assembly seemed at first to put an end to their career, for it assigned to them chiefly electoral functions and ordered that as soon as the elections were completed the assemblies should close. It was soon discovered that even under this law there was machinery enough to bring them into existence again for any purpose which appealed to a sufficient number of citizens. It was the same instrument of revolutionary action, though differently fashioned. What the convening of the sections meant in 1792 or in 1793 is well understood. The consequences were the "Great Days" of August 10 and June 2. The method was not invented by the Jacobins, it had been devised by the bourgeois of 1789. It might be used to overthrow a government which was betraying the country to the invader, but it might also bring on a Reign of Terror.

Henry E. Bourne.

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